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SENATE BILL 239

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Allen V. Hurt

AN ACT

RELATING TO DRIVER'S LICENSES; CREATING MANDATORY DONOR STATUS FOR A PERSON OPERATING A MOTORCYCLE WITHOUT A HELMET WHO, AS THE RESULT OF AN ACCIDENT, IS PRONOUNCED BRAIN DEAD.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-5-10 NMSA 1978 (being Laws 1978, Chapter 35, Section 232, as amended) is amended to read:

"66-5-10. APPLICATION FOR LICENSE--INFORMATION--TRANSFER TO LICENSE.--

A. Within the forms prescribed by the department for applications and licenses of drivers of motor vehicles, a space shall be provided to show whether the applicant is a donor as provided in the Uniform Anatomical Gift Act. ~~[It shall be assumed that an applicant applying for a license to operate a motorcycle is an organ donor unless the applicant~~

underscored material = new  
[bracketed material] = delete

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1 ~~affirmatively rejects donor status as prescribed by the form in~~  
2 ~~Subsection B of this section.]~~ Anyone [else] applying for a  
3 license may, if he desires, indicate his donor status on the  
4 space provided on the application, and this information, if  
5 given by an applicant, shall be shown upon the license issued.  
6 The form and driver's license shall be signed by the donor in  
7 the presence of a witness who shall also sign the form in the  
8 donor's presence. The department shall, as soon as  
9 practicable, include the following donor statement on the  
10 application form:

11 "I, \_\_\_\_\_, hereby make an

12 (Name of applicant/donor)

13 anatomical gift effective upon my death. A  
14 medical evaluation at the time of my death shall  
15 determine the organs and tissues suitable for  
16 donation.

17 \_\_\_\_\_  
18 (Signature of donor)

19 \_\_\_\_\_  
20 (Signature of parent or guardian is required if the donor  
21 is under sixteen years of age.)".

22 B. The department shall mark the donor status on  
23 [each] a person's driver's license record and shall retain  
24 [each] an application form or its image of a person who wishes  
25 to be a donor. The department shall create and maintain a

underscoring material = new  
[bracketed material] = delete

1 statewide donor registry and shall provide on-line computer  
2 terminal access to the donor registry to organ procurement  
3 agencies and procurement organizations, as defined in the  
4 Uniform Anatomical Gift Act. Authorized hospital or organ and  
5 tissue donor program personnel, immediately prior to or after a  
6 donor's death, may request verification of the donor's status  
7 from the department and may obtain a copy of the application  
8 from the department.

9 C. Within the forms prescribed by the department  
10 for applications and licenses of drivers of motor vehicles, a  
11 space shall be provided for the following statement, which the  
12 department shall, as soon as practicable, include on the  
13 application form:

14 "As a condition of being issued a license to operate motor  
15 vehicles in New Mexico, a person operating a motorcycle without  
16 a helmet and who, as the result of an accident, is pronounced  
17 brain dead pursuant to Section 12-2-4 NMSA 1978 by a licensed  
18 physician shall become an organ donor regardless of whether the  
19 person made an anatomical gift by completing the organ donor  
20 statement provided on this application or pursuant to Section  
21 24-6A-2 NMSA 1978 of the Uniform Anatomical Gift Act. ". "

22 Section 2. EFFECTIVE DATE. --The effective date of the  
23 provisions of this act is July 1, 2003.